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Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

The occupied Syrian Golan

Report of the Secretary-General

Summary

The report has been prepared by the Office of the United Nations High Commissioner for Human Rights pursuant to General Assembly resolution 66/80, in which the Assembly requested the Secretary-General to report to the Assembly at its sixty-seventh session on the implementation of the resolution.

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1. The present report is submitted pursuant to General Assembly resolution 66/80.

2. On 15 June 2012, the Office of the United Nations High Commissioner for Human Rights (OHCHR), on behalf of the Secretary-General, addressed a note verbale to the Government of Israel referring to the above-mentioned General Assembly resolution and asking the Government to provide information on any steps that it had taken or envisaged taking concerning the implementation of the relevant provisions of the resolution. No reply had been received at the time of the preparation of the present report.

3. Also on 15 June 2012, OHCHR, on behalf of the Secretary-General, sent a note verbale to the Syrian Arab Republic and to all permanent missions to the United Nations in Geneva regarding General Assembly resolution 66/80, asking the Governments of the Member States to provide information on any steps that they had taken or envisaged taking concerning the implementation of the relevant provisions of the resolution. In addition to the response from the Permanent Mission of the Syrian Arab Republic, replies were also received from the Permanent Missions of Algeria, Argentina, Qatar and the Sudan.

4. On 21 June 2012, the Government of the Syrian Arab Republic recalled that the international community had strongly condemned the Israeli occupation of the Golan since 1967, requesting the withdrawal of Israel from the occupied Syrian Golan. The Syrian Arab Republic also stated that General Assembly resolution 66/80 confirmed Israel's failure to withdraw from the Syrian Golan and its disregard for the resolutions of the Security Council and the Assembly. In resolution 66/80, the Assembly reiterated that Israel's annexation of the Syrian Golan in 1981 and its subsequent imposition of Israeli laws, jurisdiction and administration on the occupied Syrian Golan was null and void, and without international legal effect, as affirmed by the Security Council in resolution 497 (1981). The Syrian Arab Republic regretted to note that after 45 years of Israeli occupation and despite repeated requests from the international community for its complete withdrawal from the occupied Syrian Golan, Israel continued to occupy the Golan, pursued daily repressive practices and persisted in its flagrant violations of international law and norms with impunity. The Syrian Arab Republic reaffirmed its desire to continue to work and cooperate with the United Nations with a view to ending that occupation. On the basis of that understanding, the Syrian Arab Republic stated that United Nations resolutions continued to be the reference for a just and comprehensive resolution of the problems in the Middle East. According to the note verbale, President Bashar Al-Assad had declared on more than one occasion that the Syrian Arab Republic was willing to resume peace negotiations on the same basis on which the Madrid peace process had been started in 1991. It also noted that the Syrian Arab Republic had declared in all international forums its full commitment to relevant international resolutions and had called for their implementation, in particular Security Council resolutions 242 (1967), 338 (1973) and 497 (1981), and for implementation of the principle of land for peace, in order to ensure the full withdrawal by Israel from all of the occupied Syrian Golan to the line of 4 June 1967.

5. In its note verbale, the Syrian Arab Republic reiterated its condemnation of several violations and actions taken by Israel, which were reported in the 2011 report to the General Assembly (A/66/400). The Syrian Arab Republic reiterated its

strong condemnation of human rights violations committed by Israel in connection with the killings of peaceful demonstrators on 15 May 2011 and 5 June 2011 (ibid., para. 5). Similarly, it reiterated its condemnation of the Israeli campaigns promoting settlement-building in the occupied Golan as well as new tourist settlements, noting again that those actions demonstrated Israel's disregard for peace and for the decisions of the Security Council and the Assembly (ibid., para. 6). The Syrian Arab Republic also reiterated its rejection of the Knesset decision dated 22 October 2010, mandating a referendum on any agreement that would lead to the withdrawal of Israel from the occupied Syrian Golan and East Jerusalem (ibid., para. 9). It also recalled that it had previously deplored Israeli confiscation in December 2010 of water resources from the Masada Lake, in violation of articles 5 and 8 of Security Council resolution 465 (1980) (ibid., para. 8). In addition, the Syrian Arab Republic renewed its request to the Secretary-General, the United Nations High Commissioner for Human Rights, the President of the Human Rights Council and the President of the International Committee of the Red Cross to bring pressure on Israel to ensure that Syrian prisoners detained in its jails are kept in more humane health conditions, recalling the cases of Syrian nationals Majed Shaer and his son Fidaa (ibid., para. 10).

6. In addition to the information reported in the previous report to the General Assembly, the Syrian Arab Republic, in its note verbale, condemned the abduction by Israeli forces of a Syrian minor, Mohammed Khalid Ahmed, while he was on the Syrian side of the ceasefire line. The Syrian Arab Republic also strongly condemned the decision of Israel in June 2011 to build a separation wall to the east of Majdal al-Shams in the occupied Syrian Golan, under the pretext that this would prevent Palestinians and Syrians from crossing the ceasefire line to access the occupied town of Majdal al-Shams. The construction of the wall (4 kilometres long and 8 meters high) started in July 2011.

7. In its note verbale, the Syrian Arab Republic condemned all Israeli practices and actions in the occupied Syrian Golan that constituted a flagrant violation of Security Council resolution 497 (1981) and General Assembly resolution 66/225 entitled "Permanent sovereignty of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources". The Syrian Arab Republic called on Member States to refuse, in accordance with their obligations under international law, the importation of natural and manufactured products from the occupied territories, and to put pressure on Israel so that it complied with its obligations under international law. The Syrian Arab Republic condemned the fact that in March 2012, Israel had prevented Syrian farmers from transporting their crops from the occupied Golan to the Syrian Arab Republic, in violation of the agreement between the International Committee of the Red Cross and Israel. According to the note verbale, that arbitrary denial of passage had caused considerable material losses to the Syrian farmers who were, as a result, unable to find an alternative market for their crops. The Syrian Arab Republic called upon the Secretary-General to intervene in order to ensure Israel's respect for its agreement with the International Committee of the Red Cross and the non-recurrence of such an unjustified action.

8. The Syrian Arab Republic renewed its request to the Secretary-General, the United Nations High Commissioner for Human Rights, the President of the Human Rights Council and the President of the International Committee of the Red Cross to

put pressure on Israel to rescind its decision to bar visits by citizens from the occupied Syrian Golan to their homeland, the Syrian Arab Republic, through the Quneitra crossing, taking into consideration the material, mental and physical suffering caused to Syrian citizens by that Israeli practice, which also contravened the Geneva Conventions and all international humanitarian instruments and norms. It was stated that on 27 March 2012, Israel had denied passage from the occupied Syrian Golan to the Syrian Arab Republic to a Syrian delegation of religious leaders seeking to attend the funeral of Ahmed Alhijry. The Syrian Arab Republic stressed that Israeli practices in the occupied Syrian Golan had exceeded all legal and moral bounds, citing, as a recent example, the house arrest imposed on two-year-old Fahd Choucair, under the pretext that he had been born outside Israel while his parents were studying in the Syrian Arab Republic.[1]

9. The Syrian Arab Republic concluded its note verbale by stating that reaching sustainable peace and stability in the Middle East would require the adoption of measures ensuring the enforcement of all relevant international resolutions, without discrimination and selectivity, and the implementation of the Geneva Conventions.

10. On 3 July 2012, the Permanent Mission of Qatar replied to the note verbale and reaffirmed its support for resolutions requesting the withdrawal of Israel from all Arab occupied territories, including the occupied Syrian Golan. Qatar stated that all measures taken by Israel aimed at changing the physical character and the legal status of the occupied Syrian Golan were null and void, and constituted a flagrant violation of international law and the Fourth Geneva Convention relative to the Protection of Civilians in Time of War, as well as a threat to regional and international peace and security. In its note verbale, Qatar also recalled that this position had been similarly adopted by the League of Arab States in all summits and reiterated in a March 2012 resolution.[2] In that resolution, the League of Arab States reaffirmed its support of the Syrian Arab Republic's requests for the withdrawal of Israel from the occupied Syrian Golan to the line of 4 June 1967. That resolution also called on the United Nations, the Security Council and the Human Rights Council to guarantee the respect by Israel of the Geneva Conventions and the International Covenant on Civil and Political Rights, including the right to family visits for Syrians.

11. On 5 July 2012, the Permanent Mission of Argentina replied to the note verbale recalling that it strongly supported, through press releases from the Ministry of Foreign Affairs as well as in many international forums, Syrian claims over the occupied Syrian Golan, and reaffirming the need to respect international law and relevant resolutions of the United Nations, in particular Security Council resolution 497 (1981). Argentina also considered that the occupied Syrian Golan fell within the scope of Security Council resolution 242 (1967) and therefore emphasized the inadmissibility of the acquisition of the territory by force. Argentina concluded its note verbale by stating that it did not recognize any of the legislative or administrative measures and actions taken by Israel in the occupied Syrian Golan, in application of the above-mentioned resolutions.

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[1] In 2009, during the twelfth session of the Human Rights Council, the Permanent Mission of Israel circulated a note verbale providing a response to that allegation and denying the house arrest (A/HRC/12/G/10).

[2] Resolution adopted at the 137th regular session of the League of Arab States, on 10 March 2012.

12. On 9 July 2012, the Permanent Mission of the Sudan replied to the note verbale, stating that it did not recognize any of the legislative and administrative measures and actions taken by Israel in the occupied Syrian Golan.

13. On 10 July 2012, the Permanent Mission of Algeria replied to the note verbale, stating that all legislative and administrative measures and actions taken or to be taken by Israel to change the physical character and the legal status of the occupied Syrian Golan were null and void, constituted a flagrant violation of international law and the Geneva Convention of 12 August 1949 relative to the Protection of Civilians in Time of War and had no legal effect. Algeria reaffirmed that it did not recognize any of those measures.